

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**WESTERN DIVISION**

**U.S.A. vs. Delano A. Pendleton**

**Docket No. 5:13-MJ-1024-1**

**Petition for Action on Probation**

COMES NOW Keith W. Lawrence, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Delano A. Pendleton, who, upon an earlier plea of guilty to Driving While Impaired-Level 1, in violation of 18 U.S.C. § 13, assimilating N.C.G.S. 20-138.1, was sentenced by the Honorable William A. Webb, U.S. Magistrate Judge, on April 10, 2013, to a 12-month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall obtain a substance abuse assessment from an appropriate mental health facility within thirty (30) days from the date of this judgment and complete any prescribed treatment program. The defendant must pay the assessment fee and any added treatment fees that may be charged by the facility.
2. It is further ordered that the defendant shall participate in any other Alcohol/Drug Rehabilitation and Education program as directed by the U.S. Probation Office.
3. The defendant shall not operate a motor vehicle on the highways of the State of North Carolina until his privilege to do so is restored in accordance with law.
4. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 30 days as directed by the probation office, and shall abide by all rules and regulations of the designated facility.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:** The defendant submitted a urine specimen on May 29, 2013, which tested positive for cocaine. As a result of this positive test, it is recommended to continue supervision and place Pendleton in our Surprise Urinalysis Program. Furthermore, he has been referred to substance abuse treatment. It is recommended that the defendant's judgment be modified to include our standard drug aftercare condition. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision. It should be noted that the defendant is currently scheduled to begin his original 30-day jail sanction imposed by the court on June 14, 2013.

**PRAYING THAT THE COURT WILL ORDER** that probation be modified as follows:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

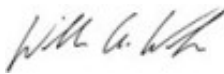
I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert K. Britt  
Robert K. Britt  
Senior U.S. Probation Officer

/s/ Keith W. Lawrence  
Keith W. Lawrence  
U.S. Probation Officer  
310 Dick Street  
Fayetteville, NC 28301-5730  
Phone: (910) 483-8613  
Executed On: June 6, 2013

**ORDER OF COURT**

Considered and ordered this 7<sup>th</sup> day of June, 2013, and ordered filed and made a part of the records in the above case.

  
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William A. Webb  
U.S. Magistrate Judge